

EXHIBIT 1

Bryson, Santana and Joshua v. Rough Country, LLC

Page 1

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION

SANTANA BRYSON and JOSHUA)
BRYSON, as Administrators of)
the Estate of C.Z.B., and)
as surviving parents of)
C.Z.B., a deceased minor,)

Plaintiffs,)

vs.)

ROUGH COUNTRY, LLC,)

Defendant.)

CIVIL ACTION FILE

NO. 2:22-cv-17-RWS

VIDEOTAPED DEPOSITION OF
WESLEY D. GRIMES
May 9, 2024
10:17 a.m.

Weinberg Wheeler Hudgins Gunn & Dial
3344 Peachtree Road, NE
Suite 2400

Atlanta, Georgia

Reported by: Marsi Koehl, CCR-B-2424

1 Q. What does it mean to say that you're the
2 "Director of Forensic Services"?

3 A. Not a lot, really. It means that I have a
4 role in the forensic side of the business where
5 there's testing or there's data analysis or accident
6 reconstruction, inspections, documentation of crashes
7 for the forensic side of things.

8 Q. What are your responsibilities as Director
9 of Forensic Services?

10 A. To do accident reconstruction and to do
11 testing and analysis of testing, downloads, analysis
12 of downloads and so assist others as they need it.

13 Q. Are those -- those roles that you mentioned
14 accident reconstruction, downloads, testing is that
15 primarily done with respect to litigation or outside
16 the context of litigation?

17 A. Most of it is either in litigation or in
18 anticipation of litigation. There's a lot of
19 casework that I do that there -- what we call fast
20 response where I'm there within hours.

21 And there's not a side yet, so there's no
22 litigation. But it is anticipated -- in anticipation
23 of litigation. Sometimes the litigation comes;
24 sometimes it doesn't.

25 Q. And when you say it's in anticipation of

1 litigation, who typically is calling you to let you
2 know to go to this site and perform a preliminary
3 reconstruction?

4 A. Typically trucking companies or insurance
5 companies looking to get things documented, attorneys
6 working for those -- those entities looking to get
7 things documented before evidence dissipates.

8 Q. And so a trucking company or insurance
9 company would say, Hey, there's been a crash, we need
10 you to come out to the site, perform a preliminary
11 analysis of it because we anticipate this might
12 become a litigation issue later?

13 A. Yeah. And, you know, in reality it's more
14 the attorneys that are calling me. I think 30 years
15 ago sometimes it would be the trucking company or --
16 or even a -- a police agency that maybe knew I had
17 some specialized equipment or something like that.

18 You know, but nowadays, the last 10, 15
19 years it's really more attorneys or attorney offices
20 making that phone call.

21 Q. And about what percentage of your time do
22 you spend working on matters either in litigation or
23 in anticipation of litigation?

24 A. I don't know. It's not something I keep
25 track of. The majority of it.

1 A. That's correct.

2 Q. Do you know how many times you've been
3 disclosed as an expert witness?

4 A. No.

5 Q. And what percentage of your cases result in
6 testimony?

7 A. Not many. I don't know of some percentage.
8 I testify, you know, a few times a year. And I do --
9 I don't know. It depends -- 35, 40, 45, 50 cases a
10 year, generally.

11 A lot of them are fast response, as I
12 explained earlier, where there's not a side and it
13 just never develops into a case. That's a lot of my
14 work. So I don't testify very often.

15 Q. In what percentage of cases are you retained
16 by attorneys representing defendants?

17 A. I don't know.

18 Q. Would you say it's the majority of the time?

19 A. It is. Yeah, it is.

20 Q. And of the times you've testified in the
21 last 12 years, it appears that your client
22 represented the defendants in all but three of those
23 cases; is that right?

24 A. That is correct.

25 Q. What was Bartley versus Blackwell about?

1 Q. That case was back in 2012, right?

2 A. Yeah, Utah. It would have been some type of
3 crash analysis. I don't remember.

4 Q. Did any of the cases on this list involve
5 allegations related to a lift kit?

6 A. No, not that I recall.

7 Q. Have you ever testified that a safety defect
8 caused or contributed to the severity of a collision?

9 MR. HILL: Object to form but go ahead.

10 THE WITNESS: Not that I recall.

11 BY MR. MASHMAN:

12 Q. Have you ever testified that an auto product
13 was defective?

14 A. Not that I recall.

15 Q. Have you ever been retained by the lawyers
16 representing Rough Country in this case which would
17 be Rick Hill and Lindsay Ferguson?

18 A. I don't think so.

19 Q. How many cases have you worked on for the
20 law firm representing Rough Country, Weinberg
21 Wheeler?

22 A. I think this is the only one.

23 Q. Have you ever -- I think my earlier question
24 was only about testimony.

25 Have you ever been retained in a case

1 A. That was one goal, yeah. And for me, that
2 was the primary goal was to -- to look at if we make
3 the test as simple as we can with a nonlifted
4 vehicle, but we want to match as closely as we
5 reasonably can the speeds, the weights, the offset,
6 the angles; things like that. We want to match all
7 of that as much as we can.

8 But we don't have cargo in the vehicle, so
9 I'm not going to say we're trying to recreate the
10 crash. We're looking at what type of intrusion is
11 going to happen without a lift kit on the pickup
12 truck.

13 Q. Why do you want to match the speeds, weight,
14 offsets and angles?

15 A. So that we can -- I can come to the
16 conclusion that the lifted -- the lift kit on the
17 pickup didn't affect significantly the amount of
18 intrusion that would have occurred.

19 Q. If the speeds, weights, offsets and angles
20 weren't matched, are you saying that you wouldn't be
21 comfortable coming to that conclusion?

22 MR. HILL: Object to form.

23 THE WITNESS: I think there's a range
24 for all of those things and we want to be
25 within that range.

1 BY MR. MASHMAN:

2 Q. But the goal of matching is so that you can
3 reasonably say as a scientific principle that the
4 difference in height is what resulted in the
5 difference of intrusion; is that fair?

6 MR. HILL: Object to form.

7 THE WITNESS: Or didn't. Yeah, yeah.

8 We want to be able to draw conclusions.

9 BY MR. MASHMAN:

10 Q. And the way to do that is to isolate the
11 variable that you're changing; is that fair?

12 A. Well, we're -- the way to do it for what we
13 did is to run the simplest test we could for a pickup
14 to match the key components of the crash without a
15 lifted truck.

16 Q. Why didn't you run a second crash test with
17 all of the cargo directly behind Cohan as a worst
18 case scenario to see how it affected the intrusion?

19 A. Because we didn't know exactly where the
20 cargo was and I didn't to subject myself to the
21 criticism of you had the bag of clothing in the wrong
22 place or you had the Shop-Vac in the wrong place or
23 whatever.

24 And really more importantly is Dr. Nguyen
25 looked at the actual vehicle and said it was

1 BY MR. MASHMAN:

2 Q. I want to ask you about the emergency brake
3 we talked about a second ago.

4 Did you direct Exponent to engage the
5 emergency brake of the Escape before the crash test?

6 A. Not specifically. I think that was a
7 decision -- first of all, I don't know that it was on
8 at the actual impact. It may have been on to make
9 sure the vehicle didn't move before the test. I
10 don't know. As I sit here, I don't know.

11 But it doesn't bother me because you then
12 have an axle that's locked. That's not an issue for
13 me because the vehicle was in gear.

14 Q. I think my -- my question was whether you
15 directed Exponent to engage the emergency --

16 A. I did not.

17 Q. Were you aware that Exponent had pulled the
18 emergency brake before the test?

19 A. You know, they may have told me that out
20 there. I don't specifically recall being told that.

21 Q. Do you have any recollection of Exponent
22 telling you why they did that?

23 A. No.

24 Q. The test Escape did not have any cargo in
25 the cargo area during the crash test, correct?

1 A. Correct.

2 Q. Why not?

3 A. Because we didn't feel it was necessary to
4 put that in for our purposes and we didn't know
5 exactly where the cargo was -- was at the time of the
6 crash.

7 Ms. Kelley and Mr. Bryson didn't recall
8 either. And so instead of guessing at that, we
9 wanted to understand what would happen without the
10 cargo. We always knew that if we put cargo in,
11 whatever displacement we had of the tailgate would be
12 amplified if there were materials in there taking up
13 that space.

14 So it was the simplest test we could run
15 without -- without compromising those types of
16 things.

17 Q. I think you said earlier you didn't want to
18 guess where the cargo was located in the Escape; is
19 that fair?

20 A. Yes.

21 Q. Why is it important not to guess where the
22 cargo was located in the Escape?

23 A. Because if we had put the cargo in and we
24 got whatever that result was, we could be subject to
25 criticism for not knowing where it was and

1 purposefully placing it for some purp- -- some of our
2 own purposes and we had no desire to do that.

3 Q. And that criticism would be that the cargo
4 was in a different location than where it was in the
5 subject wreck, right?

6 A. Yes.

7 Q. And isn't it true by not including any
8 cargo, the cargo was not in the same location that it
9 was in the subject wreck?

10 A. That's true. But it also then doesn't have
11 an artificial effect on the seat back displacement.

12 MR. MASHMAN: I'm showing you
13 Plaintiff's Exhibit -- I think that says
14 75 -- yes. It's two pictures of the damage
15 to the Escape after the crash test.

16 (Plaintiff's Exhibit 75 was marked for
17 identification.)

18 BY MR. MASHMAN:

19 Q. The second picture might be a little better
20 for this, picture 385. Do you see that?

21 A. Yes.

22 Q. Do you see a mark left by the Ford F-250's
23 Ford emblem on the rear of the Escape?

24 A. No.

25 Q. I'm looking at this mark above where it

1 a 2016 F-250?

2 A. No.

3 Q. Did you perform any calculations to
4 determine how much .5 seconds of braking lowered the
5 front bumper of a 2016 F-250?

6 A. No.

7 MR. MASHMAN: I'm going to hand you
8 three exhibits. These are Exhibits 76, 77
9 and 78.

10 (Plaintiff's Exhibit 76, Exhibit 77 and
11 Exhibit 78 were marked for identification.)

12 BY MR. MASHMAN:

13 Q. Here's 76. That's a figure from your
14 report. 77 is a series of pictures of the Escape
15 after the crash test. And 78 is a series of pictures
16 of the subject Escape after the collision.

17 Do you agree that the second row seat Cohan
18 was sitting in deformed farther forward in the
19 subject collision than in the crash test?

20 A. It certainly appears to have. Yes.

21 Q. Did you quantify how much the second row
22 seat deformed statically in the subject collision?

23 A. No.

24 Q. Did you take any measurements of how much
25 the second row seat deformed statically in the

1 subject collision?

2 A. We have scans where we can pull measurements
3 off of that, but we have not done that.

4 Q. Did you quantify how much the second row
5 seat deformed statically in the crash test?

6 A. No.

7 Q. Did you quantify how much farther forward
8 the subject Escape's seat back is deformed compared
9 to the test Escape's seat back?

10 A. No.

11 Q. Did you measure the angle of either seat
12 back?

13 A. No.

14 Q. Do you have your report in front of you?

15 A. Yes.

16 Are you done with these images or --

17 Q. I'd like to keep them --

18 A. Okay.

19 Q. On page 33 of your report --

20 (Discussion ensued off the record.)

21 THE WITNESS: Page 33?

22 MR. MASHMAN: Yes.

23 THE WITNESS: Okay.

24 BY MR. MASHMAN:

25 Q. You offer the opinion that the test Escape

1 would have sustained more seat deformation if it had
2 been loaded with exemplar cargo; is that right?

3 A. Yes.

4 Q. What is the basis of your opinion that the
5 difference between the second row seat deformation
6 was due to the lack of cargo in the test Escape?

7 A. Because the rear hatch came forward and made
8 contact with the seat back. And if there has been
9 cargo there, it would have taken up that space and
10 would have caused the seat back of the second seat in
11 the Escape to have been displaced more forward.

12 Q. Did you base that conclusion on any testing?

13 A. The crash test.

14 Q. The crash -- I'm specifically talking about
15 the conclusion that if cargo had been placed in the
16 cargo area, the seat back would have deformed more
17 than in the crash test.

18 A. There was not any additional testing for
19 that, no.

20 Q. Did you perform any calculations to reach
21 that conclusion?

22 A. No.

23 Q. Does your report cite any literature for
24 that conclusion?

25 A. I don't think so.

Bryson, Santana and Joshua v. Rough Country, LLC

Page 199

1 Q. Did you perform any analysis to determine
2 what the total volume is of the cargo that was in the
3 subject Escape?

4 A. No.

5 Q. Did you perform any analysis to determine
6 whether the cargo would have deformed before the
7 second row seat deformed?

8 A. No. We didn't do a specific analysis for
9 that.

10 Q. Did you analyze whether the Shop-Vac is
11 stronger than the bolted down second row seat of the
12 Bryson's SUV?

13 A. No.

14 Q. Did you analyze whether a bag of clothing is
15 stronger than the second row of the Bryson's SUV?

16 A. We didn't, but it would depend upon how much
17 it was compressed obviously.

18 Q. But you didn't analyze how much it was
19 compressed relative to the strength --

20 A. We did not.

21 Q. Did you analyze whether the camping chairs
22 were stronger than the second row of the Bryson's
23 SUV?

24 A. We did not.

25 THE REPORTER: Slow down.

1 BY MR. MASHMAN:

2 Q. I apologize.

3 Did you analyze whether the umbrella
4 stroller was stronger than the second row of the
5 Bryson's SUV?

6 A. We did not.

7 Q. And I think you mentioned this earlier.

8 Do you hold yourself out as an expert in
9 seat back design?

10 A. No.

11 Q. Do you have any basis to offer an expert
12 opinion on seat back design?

13 A. On seat back design? No.

14 Q. Isn't it true that seat backs have a frame
15 around the outer edge and the inside of that frame is
16 mostly filling?

17 A. I think in some cases there is a lot of
18 filling. I think there's some substructures. You
19 would have to deglove that seat. Again, I'm not an
20 expert on seat backs.

21 Q. And did you de-trim the seat in either the
22 subject wreck or the test Escape to determine the
23 internal make-up of the seat?

24 A. No.

25 Q. Do you have an opinion about how much more

1 the second row seat in the test Escape would have
2 been deformed if you had loaded the same cargo into
3 it that was in the subject wreck?

4 A. No.

5 MR. MASHMAN: I'm going to show you
6 Plaintiff's Exhibit 79.

7 (Plaintiff's Exhibit 79 was marked for
8 identification.)

9 BY MR. MASHMAN:

10 Q. This is an interrogatory that the
11 plaintiff's responded to in this case.

12 Did Rough Country provide this to you before
13 the crash test?

14 A. I don't remember seeing this, but we may
15 have seen it.

16 Q. Do you agree that this itemizes what was in
17 the back seat of -- strike that.

18 Do you agree that this itemizes what was in
19 the rear compartment of the Bryson's Escape?

20 A. That's what it says it does. Yes.

21 Q. Did you rely on this in any way when you
22 decided on how to configure the crash test?

23 A. No. Because we weren't putting cargo back
24 there.

25 Q. Do you agree that if you had made the

1 I understand fully exactly what he did.

2 Q. Do you have any disagreement with
3 Mr. Buchner's conclusion about the amount of dynamic
4 deformation in the subject collision?

5 A. I haven't looked at that. I -- I agree that
6 there would be dynamic deformation. I just am not
7 sure that you can quantify it as accurately as he
8 calculates.

9 Q. Sitting here today, you haven't looked at
10 the amount of dynamic deformation and don't disagree
11 with the number he came up with; is that fair?

12 A. I don't --

13 MR. HILL: Object to the form. Go
14 ahead.

15 THE WITNESS: I don't agree or disagree.
16 I -- I agree that there would be dynamic
17 deformation. I haven't made any attempt to
18 quantify it.

19 BY MR. MASHMAN:

20 Q. Your report -- I'm going back to static
21 deformation.

22 Your report says that the static deformation
23 of the second row of the subject Escape and test
24 Escape are substantially similar.

25 What is your basis for that conclusion?

1 A. Just looking at the two vehicles and looking
2 at photographs.

3 Q. So that's a visual conclusion; is that fair?

4 A. It is.

5 MR. MASHMAN: I'm showing you what's
6 been marked as Plaintiff's Exhibit 81. This
7 is figure 29 from your report.

8 (Plaintiff's Exhibit 81 was marked for
9 identification.)

10 BY MR. MASHMAN:

11 Q. This graph compares the delta-v for the
12 subject F-250 and crash test F-250, correct?

13 A. It does.

14 Q. And you note in your report that the
15 delta-vs are different between approximately 50
16 milliseconds and 130 milliseconds, correct?

17 A. There is a short area there where they
18 are -- they do diverge.

19 Q. And you call it a short area. Is the
20 subject test shorter or is the crash test shorter? I
21 think that I said wrong.

22 MR. HILL: Object to the form.

23 MR. MASHMAN: I apologize. Let me say
24 that question again. I think I made a
25 mistake.

1 BY MR. MASHMAN:

2 Q. Are you saying that the subject collision
3 has a shorter delta-v or the crash test has a shorter
4 delta-v?

5 MR. HILL: Object to the form.

6 THE WITNESS: There's -- I think I
7 understand what you're asking me. Shorter
8 delta-v doesn't make sense to me.

9 If you -- if you look at, say,
10 100 milliseconds, the delta-v on the
11 collision Ford is slightly lower than the
12 delta-v on the crash test Ford. And if you
13 look at the slope there, then the crash test
14 was a little bit stiffer during that time.

15 BY MR. MASHMAN:

16 Q. Okay. And I'll try -- let me see if I can
17 get this right.

18 The crash test achieved a higher delta-v in
19 less time between 50 milliseconds and
20 130 milliseconds; is that fair?

21 A. Well, I don't know that it's 131, but it
22 will be close to that. Whatever it is. I mean, the
23 data is what the data is.

24 Q. But the relationship I described is
25 correct --

1 A. It does. Yeah, the Ford in the crash
2 test -- it appears to me that it encounter some
3 siffer -- some stiffer structures during that time
4 period just because the slope of the delta-v is
5 different.

6 Q. In your report, you conclude that the
7 difference between the two delta-vs in this diagram
8 is due to the cargo not being present in the rear of
9 the Escape in the crash test; is that right?

10 A. Well, it's not just the difference in the
11 cargo but also your -- you are a little bit lower, so
12 you are engaging some of the lower structures that in
13 the crash vehicle, the subject vehicle, those lower
14 structures weren't engaged.

15 Q. So it's not just the cargo in the rear area
16 of the Escape but also the different structures were
17 interacted with in the crash test; is that fair?

18 A. I think that that's it. Again, we
19 haven't -- we haven't done a detailed analysis why
20 they are different, but those are some of the things
21 that make sense to me.

22 Q. When we talk about the cargo, we're talking
23 about the items in the trunk of the Escape, right,
24 the Shop-Vac, the camping chairs, the stroller and
25 the bag of clothes?

1 A. Right. But the difference between the crash
2 test and the subject crash is that the F-250 was
3 lower, so it engaged some of the lower structures and
4 those structures are different.

5 Q. I understand that. With respect to the
6 cargo, what you say contributed to the difference in
7 the delta-vs, what is that portion of your conclusion
8 based on, that the cargo caused some of that
9 difference?

10 A. I think that what may be happening there --
11 again, we haven't done a film analysis or anything
12 like that. But I think that the tailgate engages the
13 seat back in the test where the tailgate engages
14 cargo in the subject crash.

15 Q. What is that based on?

16 A. There wasn't any cargo there in the test.

17 Q. I apologize. The tailgate engaging the seat
18 back in the test?

19 A. There wasn't any cargo there in the test.
20 There wasn't any cargo for it to interact with.

21 Q. Do you agree that in the subject collision
22 the lateral delta-vs for the F-250 were initially
23 positive and then subsequently negative?

24 A. I haven't looked at that detail, but we can
25 go look at it.

CERTIFICATE

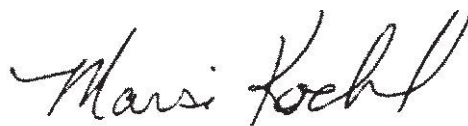
STATE OF GEORGIA:

COUNTY OF FULTON:

I hereby certify that the foregoing transcript was taken down, as stated in the caption, and the colloquies, questions, and answers were reduced to typewriting under my direction; that the transcript is a true and correct record of the evidence given upon said proceeding.

I further certify that I am not a relative or employee or attorney of any party, nor am I financially interested in the outcome of this action.

This the 5th day of June, 2024.



Marsi Koehl, CCR-B-2424